



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 09/868,987

Applicant: MURDIN, Andrew D. et al.

Filed: December 23, 1999

TC/A.U.: 1645

Examiner: Padmavathi Baskar

Docket No: 032931/0253

**RENEWED PETITION FOR RECONSIDERATION OF RESTRICTION  
REQUIREMENT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants hereby requests that the Commissioner reconsider the Decision on Petition for Review of Restriction Requirement, as set forth in the Commisioner's communication mailed January 13, 2004.

In the Decision, the Commissioner states at page 3:

The technical feature linking groups I-VII appears to be that they are all related to Chlamydia nucleic acids, peptides, antibodies and various methods of using said products. However, Griffais (see the sequence alignment and SEQ ID No. 1 of U.S. Patent No. 6,559,294) discloses a nucleic acid comprising a nucleic acid sequence, which encodes an immunogenic fragment of polypeptide comprising 50 (see the sequence alignment) consecutive amino acids, thus meeting the limitations of claim 2(c). Moreover, Griffais has a filing date of 11/23/98, which is before the filing date of the instant application's oldest provisional application, 60/113,280, filed on 12/23/98. Therefore, the technical feature of linking groups I-VII does not constitute a special technical feature as defined by PCT Rule 13.2, as it does not define a contribution over the prior art and hence unity of invention is lacking.

Applicants submit a Declaration under 37 CFR § 1.131 of inventor Andrew Murdin. Dr. Murdin declares he had possession of the polypeptide of SEQ ID No:14 and nucleic acids encoding SEQ ID No:14 before Griffais' filing date (November 4, 1998).

Applicants invented the invention before Griffais. U.S. Patent No. 6,559,294 is not prior art. The technical feature of linking groups I-VII does constitute a special

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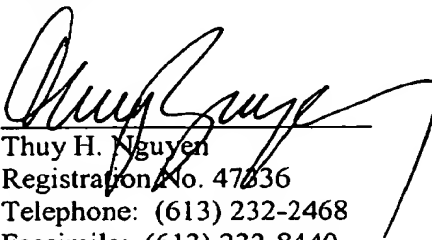
technical feature as defined by PCT Rule 13.2 and does define a contribution over the prior art. There is unity present.

The Commissioner is requested to reconsider the Decision on Petition for Review of Restriction Requirement and withdraw the restriction requirement set forth in the communication mailed January 13, 2004.

The Commissioner is hereby authorized to charge any fee which may be required regarding this application under 37 C.F.R. §§1.16-1.17 to Deposit Account No. 19-0741.

Respectfully submitted,

Date: March 4, 2004

  
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